

Notice of Allowability

Application No.

10/804,849

Examiner

Bernard E Souw

Applicant(s)

MAKAROV ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/19/2004.
2. ☒ The allowed claim(s) is/are 1-50.
3. ☒ The drawings filed on 19 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 07/02/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

ALLOWANCE

1. Claims 1-50 are allowed.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

An ion source for providing and transporting analyte ions derived from a sample to an ion optical system, the ion source comprising a sample chamber configured to receive a sample plate supporting a sample, the sample comprising at least an analyte and a matrix; an light source to irradiate at least a portion of the sample to generate analyte ions and particles; a matrix-protecting interface located between the sample plate and the ion optics, the matrix-protecting interface having a sampling aperture; the device so configured such that the shortest travel path between the irradiated portion of the sample plate and the sampling aperture is substantially obstructed, as recited in claims 1 and 23, is neither anticipated nor rendered obvious by any prior art.

Claim 24 is also allowed for reciting the limitation of *--instead of providing an obstruction within the shortest travel path between the irradiated sample and the sampling aperture--* a gas flow at an oblique angle (between 0° and 90°) with regard to the optical axis for influencing the particles generated by the irradiation, and a voltage potential for extracting the analyte ions from the gas flow for delivery to the ion optics.

Claims 43 and 50 are also allowed for reciting a method for generating and transporting analyte ions derived from a sample comprising an analyte and a matrix to an ion optical system, the device so configured to have the limitations of either claim 1, claim 23 or claim 24.

Claims 2-22, 25-42 and 44-49 are also allowed because of its/their dependencies, either directly or indirectly, upon claims 1, 23, 24 or 43.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Communications

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571 272 2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

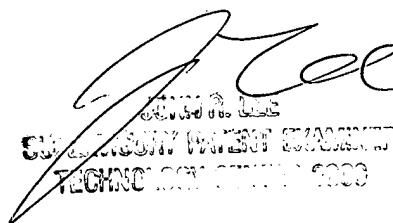
Application/Control Number: 10/804,849

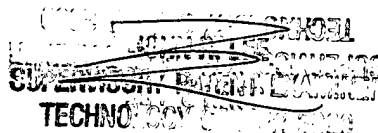
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

bes
January 10, 2005


J. Lee
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2000


J. Lee
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2000